

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CRAVEN CASPER,

Plaintiff,

V.

ALAN COHEN,

Defendant.

CASE NO. 2:22-CV-53-RAH

ORDER

On July 19, 2022, the Magistrate Judge recommended that Petitioner Craven Casper's motion for immediate release (Doc. 14) be denied as moot. On August 1, 2022, Petitioner filed Objections (Doc. 28) to the Report and Recommendation (Doc. 27) of the Magistrate Judge. The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b). The Objections are due to be overruled.

The Magistrate Judge recommended that Petitioner’s “challenge to the correctness of the Bureau of Prison’s (‘BOP’) determination regarding the timing of his release from detention and his Residential Reentry Center (‘RRC’) placement should be denied as moot because Petitioner was transferred to RRC placement on March 1, 2022.”

Petitioner's objection is centered on his mistaken belief that the Court has determined that his challenge to the BOP's calculation of his First Step Act earned-time credits is moot. (Doc. 28 at 1–4.) Specifically, he argues his petition is not moot as a determination regarding his FSA credits can affect calculation of his supervised release term and requests an award of all FSA time credits he has earned. (*Id.* at 5.) Petitioner misunderstands the Magistrate Judge's analysis. As noted in the Recommendation:

“The Court addresses only Casper's motion challenging the BOP's failure to release him from custody to a Residential Reentry Center . . . on February 23, 2022. To the extent Casper's motion also presents a challenge to the calculation of and award of program credits to his sentence under the First Step Act of 2018 (“FSA”) (Pub. L. No. 115–391, §§ 504, 603, 132 Stat. 5194 (2018), the recalculation of which, if successful, may reduce the term of his supervised release, Casper presents this claim in his habeas application which remains pending before the Court for review and disposition.”

(Doc. 27 at 2 n.1.)

The Recommendation addressed Petitioner's request for immediate release from confinement. There is no dispute that Petitioner is in an RRC program and is no longer incarcerated in FPC Montgomery. Moreover, Petitioner's challenge regarding his earned FSA credits remains pending.

Upon review and consideration of the arguments set forth in the Objections, the Court agrees with the Magistrate Judge's findings and analysis.

Accordingly, it is ORDERED as follows:

1. The Objections (Doc. 28) are OVERRULED.
2. The Recommendation (Doc. 27) is ADOPTED.
3. The motion for immediate release (Doc. 14) is DENIED as moot.

DONE, on this the 4th day of August, 2022.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE